

Message

**From:** Creswell, Michael [Creswell.Michael@epa.gov]  
**Sent:** 1/20/2021 10:24:28 PM  
**To:** McGill, Thomas [McGill.Thomas@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Pugh, Katherine [Pugh.Katherine@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]  
**Subject:** RE: question from Jeanine Bennett

**Ex. 5 Attorney Client (AC)**

If you need me tonight, Tom call my cell phone.

**From:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Sent:** Wednesday, January 20, 2021 5:18 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: question from Jeanine Bennett  
**Importance:** High

I just spoke with Jeaneanne about the draft response to Jeanine Bennett, and am taking another crack at the response based on her feedback (see below). I need help from the attorneys to **Ex. 5 Attorney Client (AC)** and I'm attaching the respective letters we issued to the Tribe on 12/16/20 and 12/17/20 for your reference. Please let me know if you have any comments or suggested revisions. Thanks! Tom

\*\*\*\*\* draft response \*\*\*\*\*

## Ex. 5 Deliberative Process (DP)

**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, January 20, 2021 11:15 AM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** Re: question from Jeanine Bennett

Hold on this I think we need to refine our answer.

Sent from my iPhone

On Jan 20, 2021, at 11:06 AM, McGill, Thomas <McGill.Thomas@epa.gov> wrote:

Please see Jeanine Bennett's question in her email below. I can share a response along the lines of the following but I would appreciate any comments or suggested revisions.

\*\*\*\*\* draft response \*\*\*\*\*

## Ex. 5 Deliberative Process (DP)

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**From:** Jeanine Bennett <[JeanineB@miccosukeetribe.com](mailto:JeanineB@miccosukeetribe.com)>  
**Sent:** Wednesday, January 20, 2021 9:07 AM  
**To:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Subject:** RE: Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Tom,

Why is this letter being sent? Is this EPA's way of closing government to government consultation on Section 106?

Jeanine



*Jeanine Bennett, Esq.*

**Miccosukee Tribe of Indians of Florida**

General Counsel, In-House

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O: 305.223.8380 Ext: 5211 F: 305.894.5212

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**From:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Sent:** Tuesday, January 19, 2021 5:47 PM  
**To:** Hope Lovemore <[HopeL@miccosukeetribe.com](mailto:HopeL@miccosukeetribe.com)>; Beverly Tiger <[BeverlyT@miccosukeetribe.com](mailto:BeverlyT@miccosukeetribe.com)>; Kevin Donaldson <[KevinD@miccosukeetribe.com](mailto:KevinD@miccosukeetribe.com)>; Jeanine Bennett <[JeanineB@miccosukeetribe.com](mailto:JeanineB@miccosukeetribe.com)>; Amy Castaneda <[AmyC@miccosukeetribe.com](mailto:AmyC@miccosukeetribe.com)>; Gene Duncan <[GeneD@miccosukeetribe.com](mailto:GeneD@miccosukeetribe.com)>; Lyanne Mendez <[LyanneM@miccosukeetribe.com](mailto:LyanneM@miccosukeetribe.com)>; Craig van der Heiden <[CraigV@miccosukeetribe.com](mailto:CraigV@miccosukeetribe.com)>  
**Cc:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>; Armor, Suzanne <[Armor.Suzanne@epa.gov](mailto:Armor.Suzanne@epa.gov)>; Pugh, Katherine <[Pugh.Katherine@epa.gov](mailto:Pugh.Katherine@epa.gov)>; Zimmerman, Eve <[Zimmerman.Eve@epa.gov](mailto:Zimmerman.Eve@epa.gov)>  
**Subject:** Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Good afternoon,

Please see the attached signed letter from Jeaneanne M. Gettle, Director of the U.S. EPA Region 4 Water Division, regarding the discussions and feedback received on the executed Section 106 Programmatic

Agreement for Florida's Assumption of a Section 404 Program. If you have any questions please let us know.

Tom

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Thomas McGill, Chief  
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